

Index to Appendix

| <u>Document</u> | <u>Page</u> |
|------------------------|--------------------|
| Index to Appendix..... | 1 |
| Exhibit 1..... | 2 |
| Exhibit 2..... | 7 |
| Exhibit 3..... | 22 |
| Exhibit 4..... | 26 |

Simon Batashvili

11/4/2020

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF TEXAS
3
4)
5 COMMODITY FUTURES TRADING)
6 COMMISSION et al.,)
7 Plaintiff,) Case No.:
8 vs.) 3:20-CV-2910-L
9)
10 TMTE, INC. A/k/a METALS.COM,)
11 CHASE METALS, INC., CHASE)
12 METALS, LLC, BARRICK)
13 CAPITAL, INC., LUCAS THOMAS)
14 ERB a/k/a LUCAS ASHER a/k/a)
15 LUKE ASHER, and SIMON)
16 BATASHVILI)
17 Defendants.)
18 and)
19 Tower Equity, LLC,)
20 Relief Defendant)
21
22 REMOTE VIDEO-RECORDED DEPOSITION OF SIMON BATASHVILI
23 Wednesday, November 4, 2020
24 VOLUME I
25 Stenographically Reported by:
Mechelle S. Gonzalez
CSR No. 13250
Job No. 96641
PAGES 1 - 201

Simon Batashvili

11/4/2020
Page 36

1 Q. Where are you currently sitting?

2 A. I am in a house that my wife is staying in.

3 Q. Pardon?

4 A. I am in a house where my wife is staying.

5 Q. Where is that located?

6 A. It is in Mandeville Canyon, Los Angeles.

7 Q. Is that where you're living?

8 A. That's not where I'm living at the moment.

9 Right now I'm -- no.

10 Q. Where are you living, then, currently?

11 A. I am -- I'm staying at friends and family.

12 Q. What are the name of friends that you're
13 staying with?

14 A. I've been hopping around, Andrew being one
15 of them, one of my friends.

16 Q. Andrew who? What's his last name?

17 A. Saul.

18 Q. How do you spell that?

19 A. S-a-u-l.

20 Q. And what family members have you been
21 staying with?

22 A. Mainly friends right now. So it's
23 Andrew's. Where else did I stay? I've stayed at my
24 friend Arnold's house.

25 Q. What's his last name?

Simon Batashvili

11/4/2020
Page 59

1 remember right now.

2 Q. The only e-mail that you can recall as you
3 sit here today is simon@towerequity.com; is that
4 correct?

5 A. If more comes to me, I'll let you know.

6 Q. Have you -- have you used any e-mail or had
7 any e-mail communications since September 24th of
8 2020?

9 A. Can you repeat that question? You cut out
10 at the last minute, Mr. Crawford.

11 Q. Have you had any e-mail communications
12 since September 24th of 2020?

13 A. Yes.

14 Q. And what e-mail address have you used for
15 those communications?

16 A. I -- I set up an e-mail address to
17 communicate with attorney Mr. Arnold Spencer.

18 Q. And what's that e-mail address?

19 MR. SPENCER: Kelly, I'm going to object to
20 the question. I think that goes to attorney-client
21 privilege, and I think it's outside the scope of the
22 asset identification.

23 MR. CRAWFORD: It goes directly to the
24 scope of his obligation to turn over passwords to
25 me, and e-mail obligations.

Simon Batashvili

11/4/2020
Page 60

1 MR. SPENCER: Well, an e-mail obligation --
2 an e-mail with his attorney, I don't think was
3 considered by the court, so ...

4 MR. CRAWFORD: I didn't ask for the
5 content, Arnold. I'm not asking about the content.
6 I'm simply asking for an e-mail address that he's
7 used since this was entered.

8 MR. SPENCER: I will object to that as
9 getting into attorney-client communications.

10 BY MR. CRAWFORD:

11 Q. Simon, are you refusing to answer my
12 question?

13 MR. SPENCER: I'm going to instruct this
14 witness to not answer the question at this time
15 based on the attorney-client privilege and based on
16 the fact that this is outside of the asset
17 identification process envisioned by the court's
18 orders.

19 BY MR. CRAWFORD:

20 Q. Are you accepting the advice of your
21 attorney, Simon?

22 A. Yes.

23 Q. What records do you have in your possession
24 or control, Simon, that you have not yet turned over
25 to me yet?

Simon Batashvili

11/4/2020
Page 200

1

2

3

4 I, the undersigned, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken
7 before me at the time and place therein set forth; that
8 any witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that a verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed
18 my name.

19

20 Dated: November 4, 2020

21

22 *Mechelle S. Gonzalez*
23

24 Mechelle S. Gonzalez
CSR No. 13250

25

Lucas Asher Vol. I

11/5/2020
Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF TEXAS
3
4)
5 COMMODITY FUTURES TRADING)
6 COMMISSION et al,)
7)
8 Plaintiffs,) Case No.:
9 vs.) 3:20-CV-2910-L
10)
11 TMTE, INC. A/k/a METALS.COM,)
12 CHASE METALS, INC., CHASE)
13 METALS, LLC, BARRICK)
14 CAPITAL, INC., LUCAS THOMAS)
15 ERB a/k/a LUCAS ASHER a/k/a)
16 LUKE ASHER, and SIMON)
17 BATASHVILI)
18)
19 Defendants.)
20)
21 and)
22)
23 TOWER EQUITY, LLC,)
24 Relief Defendant)
25)
17 REMOTE VIDEO-RECORDED DEPOSITION OF LUCAS A
18 Thursday, November 5, 2020
19 VOLUME I
20
21 Stenographically Reported by:
22 Mechelle S. Gonzalez
CSR No. 13250
Job No. 96642
23
24
25 PAGES 1 - 291

Lucas Asher Vol. I

11/5/2020
Page 24

1 BY MR. CRAWFORD:

2 Q. Are you taking any medications, Mr. Asher,
3 that would impede or impair your ability to testify
4 truthfully here today?

5 A. I'm not.

6 Q. Do you have a United States passport?

7 A. I have an American passport.

8 Q. And -- and where is that passport?

9 A. It's in my backpack.

10 Q. Where is your backpack?

11 A. At a place I'm staying at.

12 Q. Where are you staying?

13 A. On a couch.

14 Q. Whose couch?

15 A. John's.

16 Q. John who?

17 A. Wilson.

18 Q. Where does John Wilson live?

19 A. In West Hollywood.

20 Q. How do you know John Wilson?

21 A. Through my religious community.

22 Q. What's the name of your religion community?

23 A. I'm Jewish.

24 Q. When was the last time you used your
25 American passport?

Lucas Asher Vol. I

11/5/2020
Page 31

1 Q. Is it your testimony under oath that during
2 that conversation with Simon you never discussed
3 your deposition?

4 A. Could you please repeat the question, sir?

5 Q. Is it your testimony here today under oath
6 that during that discussion with Simon yesterday you
7 never discussed with him your deposition that you
8 are giving here today?

9 A. I did not discuss it with anybody but my
10 counsel.

11 Q. Where are you sitting for this deposition?
12 Whose -- whose house?

13 A. I'm not at a house.

14 Q. Okay. Where are you?

15 A. It's a side garage from an individual named
16 Kristen.

17 Q. What is Kristen's last name?

18 A. I don't know. She's a friend of my friend
19 Maudie (Phonetic).

20 Q. And what's Maudie's last name?

21 A. Perry (Phonetic).

22 Q. Perry?

23 A. Yes.

24 Q. How do you know Maudie Perry?

25 A. Through other friends. It was referred to

Lucas Asher Vol. I

11/5/2020
Page 72

1 A. To the best of my recollection, I did not
2 enter a password or login to access records.
3 Notwithstanding, I did use the e-mail to reach out
4 to various attorneys, and I did log in to my e-mail,
5 asher@towerequity.com.

6 Q. What was the password used?

7 A. I don't recall.

8 Q. How were you able to access and log in to
9 those records since, based on your prior testimony,
10 you said that your password is on sticky notes at
11 the office and you lost that information?

12 A. When I gave you that testimony, I was
13 referring to metals.com, and I was referring to
14 Barrick. And my current testimony, too, has been
15 with reference -- I gave you context to Tower
16 Equity, and I just told you that I did access Tower
17 Equity. However, we're commingling a lot of
18 different domain names in this conversation. So I
19 did not access Metals or Barrick. I did access
20 Tower Equity.

21 Q. So where can I find the login and password
22 for Tower Equity?

23 A. I can give it to you.

24 Q. What e-mail addresses do you still use?

25 A. I use -- to coordinate on attorney-client

Lucas Asher Vol. I

11/5/2020
Page 73

1 privilege dialog, I use my e-mail at Gmail, and I --

2 Q. What is that e-mail address?

3 A. Sorry?

4 Q. What is that e-mail address?

5 A. It's --

6 MR. SPENCER: Hold up. Asher, hold on.

7 Is -- is this an account that you use
8 exclusively to communicate with your attorneys,
9 privileged communications?

10 THE WITNESS: All communication is
11 privileged, all of it entirely.

12 MR. SPENCER: Okay. So I'm going to
13 instruct you not to answer a question with regard to
14 your e-mail that you use exclusively for
15 attorney-client communications.

16 MR. CRAWFORD: And I'm not asking for
17 anything having to do with the content of
18 communication. I'm simply asking for the e-mail
19 address.

20 BY MR. CRAWFORD:

21 Q. So what is your e-mail address?

22 MR. SPENCER: And I'm going to instruct him
23 not to answer, respectfully. I don't think it goes
24 to the asset issues, and I think it does get into
25 attorney-client issues.

Lucas Asher Vol. I

11/5/2020
Page 74

1 So at this time I'm going to instruct him
2 not to answer.

3 BY MR. CRAWFORD:

4 Q. Are you going to follow your attorney's
5 instruction not to answer my question?

6 A. I'm going to refer to counsel on answering
7 your question.

8 MR. CRAWFORD: Okay. We'll certify that
9 question.

10 BY MR. CRAWFORD:

11 Q. Do you have any type of storage shed that
12 you maintain any property or records whatsoever?

13 A. I do not.

14 Q. Have you ever had a storage shed?

15 A. It's possible.

16 Q. Or storage facility --

17 A. Yeah, it's possible.

18 Q. In the last three years, have you ever had
19 a storage facility or storage shed?

20 A. I believe so.

21 Q. Okay. And where was that located?

22 A. I don't remember the specific address. It
23 was in Santa Monica at an apartment I was renting,
24 and in the garage of the apartment, they had a
25 storage -- a storage facility at the apartment unit.

Lucas Asher Vol. I

11/5/2020
Page 141

1 Q. What is your date of birth?

2 A. 06/06/85.

3 Q. What is the last name of the person that
4 you're staying with currently? I believe you said
5 her first name is Kristen. What's her last name?

6 A. I don't know. I'm changing my homes
7 frequently almost by the day.

8 Q. And what is the address where you are
9 staying today?

10 A. I don't know.

11 Q. Where you are presently?

12 A. I don't know the address.

13 Q. Okay. What part of United States are you
14 in?

15 A. I'm in Los Angeles.

16 Q. What part of Los Angeles are you in?

17 A. I believe it's in the northern Hollywood
18 area.

19 Q. What's the nearest major crossroads to
20 where you live, the house?

21 A. Today it would be around Sunset.

22 Q. Sunset and what?

23 A. I don't know.

24 Q. You have no idea?

25 A. No.

Lucas Asher Vol. I

11/5/2020
Page 290

1

2

3

4 I, the undersigned, a Certified Shorthand

5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken

7 before me at the time and place therein set forth; that

8 any witnesses in the foregoing proceedings, prior to

9 testifying, were placed under oath; that a verbatim

10 record of the proceedings was made by me using machine

11 shorthand which was thereafter transcribed under my

12 direction; further, that the foregoing is an accurate

13 transcription thereof.

14 I further certify that I am neither financially

15 interested in the action nor a relative or employee of

16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed

18 my name.

19

20 Dated: November 5, 2020

21

22 *Mechelle S. Gonzalez*

23

24 Mechelle S. Gonzalez
CSR No. 13250

25

Lucas Erb

January 29, 2021

Page 293

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF TEXAS

3 DALLAS DIVISION

4 COMMODITY FUTURES TRADING)

5 COMMISSION, et al.,) Case No.

6 Plaintiffs,) 3-20CV2910-L

7 vs.)

8 TMTE, INC., et al.,)

9 Defendants.)

10 TOWER EQUITY, LLC,)

11 Relief Defendant.)

12 _____)

13

14

15 CONTINUED VIDEO DEPOSITION OF LUCAS THOMAS ERB a/k/a

16 LUCAS ASHER, a/k/a LUKE ASHER

17 January 29, 2021

18 VOLUME II, (Pages 293-473)

19

20 REPORTED REMOTELY BY:

21

22 COLLEEN P. DOHERTY, CSR 345

23

24 Notary Public

25

Lucas Erb

January 29, 2021

Page 338

1 have been paid for through the generosity of friends,
2 and through my Jewish religious community.

3 Q. And it's your testimony that there is no other
4 source of payment of your reasonable and necessary
5 living expenses since entry of this consent order?

6 A. There is no other source that I'm aware of.

7 Q. And when you say, "the generosity of your
8 friends." Who are the friends who have been paying your
9 reasonable and necessary living expenses?

10 A. It depends on which day you ask. Today, I'm
11 in the room of one of my friends, Blake Corbin, and I
12 need a room for this deposition, and he'll be feeding
13 me.

14 Q. Any other friends, besides Blake Corbin?

15 A. Yes, I disclosed last time I stayed in Kristin
16 Zygrag (Phonetic) for my first deposition. I've
17 received quite a few meals from Chaim.

18 Q. From who?

19 A. Chaim.

20 Q. What's Chaim's last name?

21 A. Shanowitz.

22 Q. Okay. Any others, any other friends?

23 A. Yeah. John Wilson, a lot of Simon's friends
24 have helped us out.

25 Q. Any others?

Lucas Erb

January 29, 2021

Page 339

1 A. Like Sidney, Andrew. Yeah, like Sidney,
2 Andrew.

3 Q. Any others?

4 A. Yeah, Monte.

5 Q. What's Monte's last name?

6 A. Shenowa (Phonetic).

7 Q. Any others?

8 A. Lexi.

9 Q. What's Lexi's last name?

10 A. Stevenson.

11 Q. Any others?

12 A. There is -- I got a meal from Darin.

13 Q. What's Darin's last name?

14 A. Actually, Daryl Seville.

15 Q. Okay.

16 MR. DAVIS: I'm going to object if we're going
17 to go further on this line of question. I presume the
18 receiver is not going to try to recoup real meal money.
19 Paragraph 37 relates to income and other such things
20 from employment or activity not to charity. I just
21 don't see how this is relevant. I want to let you do
22 adequate discovery, but I don't see how this is
23 relevant.

24 MR. CRAWFORD: Well, if I find that these
25 people have received money or worked for Mr. Asher in

Lucas Erb

January 29, 2021

Page 340

1 the past, then I don't consider it a gift or charity if
2 they are simply giving him money that he's gotten from
3 them.

4 Q. (BY MR. CRAWFORD) Any others?

5 A. Yeah, Demetri.

6 Q. What's Demetri's last name?

7 A. Farougias.

8 Q. Any others?

9 A. It's possible that -- I don't recall all the
10 names of the people who fed me. I mean, people have
11 been feeding me every day, so...

12 Q. Daryl Seville was the person who you leased
13 your house from; is that correct?

14 A. Yes, I did. Well, it was with roommates, but,
15 yeah.

16 Q. Have any of the people who have provided you
17 with your reasonable and necessary living expenses, have
18 any of those persons worked for any of the defendants
19 named in this lawsuit at any time?

20 A. So at any time? What do you mean by "any
21 time"; past, present, and future?

22 Q. Any time that the --

23 A. Or af- --

24 Q. Any time that the defendant entities existed,
25 did they work for any of those entities at any time?

Lucas Erb

January 29, 2021

Page 449

1 So, Chrissi, I'll turn it over to you.

2 Chrissi, can you hear us okay?

3 MR. DAVIS: It looks like she's not on camera
4 or video. Would it make sense to make a --

5 MR. BUFFA: Oh, so, court reporter, can you
6 unmute Ms. Cella's. She can hear us, but she can't
7 speak. Her mute is locked. Could you unmute her,
8 please?

9 MS. CELLA: Thank you. I think it's working
10 now. Can you guys all hear me?

11 MR. DAVIS: I can hear you, but I can't see
12 you.

13 MS. CELLA: Yeah, I'm going to make my camera
14 off -- or on I should say. I had to leave it off,
15 because my bandwidth is not great.

16 EXAMINATION

17 QUESTIONS BY MS. CELLA:

18 Q. But can you hear me okay, Mr. Asher?

19 A. Yes, Ms. Cella. Thank you.

20 Q. Great. Thank you. And as you may recall, my
21 name is Christina Cella, from the Texas Attorney
22 General's Office. And I just have a couple questions
23 for you. It shouldn't take all that long.

24 I want to start with, I know you said that you
25 are living with Mr. Corbin. Is that your current

Lucas Erb

January 29, 2021

Page 450

1 address where you receive mail right now?

2 A. No, I don't receive mail. No one's mailed me
3 anything. And I might not be staying here for much
4 longer. I asked some friends for a place next week. So
5 I just move around.

6 Q. And you indicated that you don't have the
7 exact address of Mr. Corbin's location. Will you be
8 able to get that for us, and provide that to the
9 receiver?

10 A. Yes, I'm happy to provide whatever is needed.

11 Q. Thank you. And do you know where you will be
12 moving next week?

13 A. Some kind of nomad right now. So I was going
14 to ask some friends if I can stay at their spare
15 bedrooms. And I'll be sharing a report on my locations
16 in the future once I know.

17 Q. Earlier you testified about having a new
18 skateboard. I think you were showing it to a friend.
19 How did you get that skateboard?

20 A. My friend gave it to me.

21 Q. So you didn't pay any money for it? It was a
22 gift?

23 A. Correct.

24 Q. And who's paying for your cell phone service?

25 A. So my Apple Card was attached to my T-Mobile,

REPORTER'S CERTIFICATE

I, COLLEEN P. DOHERTY, CSR No. 345, Certified
Shorthand Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction;

That the foregoing is a true and correct record
of all testimony given, to the best of my ability;

I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this
____ day of _____, _____.

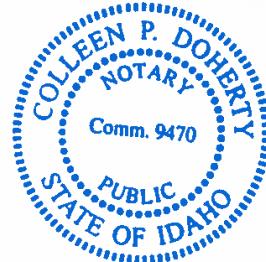
COLLEEN P. DOHERTY, CSR 345

Notary Public

P.O. Box 2636

Boise, Idaho 83701-2636

My commission expires September 7, 2023.



From: [Arnold Spencer](#)
To: [Buffa, JonMarc](#)
Cc: [Foelber, Richard P.](#); [Kelly Crawford](#); [Lucas Asher](#)
Subject: [EXTERNAL] Re: Metals.com: Asher deposition
Date: Thursday, January 28, 2021 11:23:06 AM

Gentlemen-

I have accepted an in-house position at a start up company and am winding down my firm. Accordingly, I am withdrawing from this matter and will not be attending tomorrow's deposition. Mr. Asher and Mr. Batashvili have been informed of my new position and are seeking to retain counsel to represent them going forward.

I realize this is short notice and I realize the Court Order set a deadline. If Mr Asher is unable to retain counsel by tomorrow morning, would you agree to briefly open the deposition tomorrow as scheduled and then resume the bulk of the deposition early next week? We could commit to this schedule.

Mr. Asher is copied directly on this email. Please reply to all, as I will be unavailable at times throughout the day. Please use Mr. Asher's email for the court reporter.

Thank you all for your professionalism.

Arnold A. Spencer
Spencer & Associates

On Jan 27, 2021, at 11:20 AM, Buffa, JonMarc <JBuffa@cftc.gov> wrote:

Following up again. Please let us know what email addresses we should give the court reporter for you and Mr. Asher.

From: Buffa, JonMarc
Sent: Monday, January 25, 2021 9:14 AM
To: Arnold Spencer <arnoldspencer75225@gmail.com>
(arnoldspencer75225@gmail.com) <arnoldspencer75225@gmail.com>
Cc: Foelber, Richard P. <rfoelber@CFTC.gov>; 'Kelly Crawford'
<kelly.crawford@solidcounsel.com>
Subject: RE: [EXTERNAL] RE: Metals.com: Asher deposition

Arnold

We wanted to follow-up. Please let us know what email addresses we should give the court reporter.

Thanks,

JonMarc

From: Kelly Crawford <kelly.crawford@solidcounsel.com>
Sent: Friday, January 15, 2021 2:40 PM
To: Buffa, JonMarc <JBuffa@CFTC.gov>; Arnold Spencer <arnoldspencer75225@gmail.com> (arnoldspencer75225@gmail.com)
<arnoldspencer75225@gmail.com>
Cc: Foelber, Richard P. <rfoelber@CFTC.gov>
Subject: [EXTERNAL] RE: Metals.com: Asher deposition

JonMarc,

My email address that should be used is my regular office email:
kelly.crawford@solidcounsel.com Thank you.

Kelly Crawford PARTNER

Scheef & Stone, LLP

www.solidcounsel.com | **214.706.4213**

Office: 214.706.4200 | Fax: 214.706.4242

500 North Akard Street, Suite 2700, Dallas, TX 75201

<!--[if !vml]-->
<image003.png>
<!--[endif]-->

Important: This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are neither the intended recipient nor an employee or agent responsible for delivering the communication to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. Please notify the sender, by electronic mail or telephone, of any unintended recipients and delete the original message without making any copies.

Note: Please be advised that Scheef & Stone, LLP reserves the right to record telephone conversations involving its employees or attorneys. If you do not wish to be recorded, please limit your communications with Scheef & Stone, LLP to regular mail, faxes, and/or electronic mail.

From: Buffa, JonMarc <JBuffa@CFTC.gov>

Sent: Friday, January 15, 2021 12:20 PM

To: Arnold Spencer <arnoldspencer75225@gmail.com> (arnoldspencer75225@gmail.com) <arnoldspencer75225@gmail.com>; Kelly Crawford <kelly.crawford@solidcounsel.com>

Cc: Foelber, Richard P. <rfoelber@CFTC.gov>

Subject: Metals.com: Asher deposition

Arnold and Kelly,

For Mr. Asher's second asset deposition, we will be using a new vendor called Veritext. They provide enhanced virtual deposition technology and easy to use exhibit sharing. We hope this will facilitate the deposition.

Below is an email from Veritext. We are also attaching two direction sheets.

Please send us your preferred email address for accessing the Veritext platform by **3 pm ET on Friday, 1/22/2021**. Veritext will then send you access information. We also need the preferred email address of Mr. Asher so they can send him access information.

Thanks,

JonMarc

From: Drew Pagano <dpagano@veritext.com>

Sent: Friday, January 15, 2021 12:18 PM

To: Buffa, JonMarc <JBuffa@CFTC.gov>

Cc: Van Tassel, Hillary <HVanTassel@CFTC.gov>

Subject: [EXTERNAL] Exhibit Share - CFTC v. TMTE Inc. et al. Deposition of Lucas Asher (Assignment #4419080)

Hi JonMarc,

Thanks for your time this morning. In follow-up, I wanted to request a list of all participants from Plaintiffs and Defendants who will join the January 29th deposition of Lucas Asher (Assignment #4419080) *and* need access to view exhibits.

To securely facilitate the electronic marking and distribution of exhibits during the deposition we will use our [Exhibit Share](#) platform.

Below and attached please find helpful videos tutorials and Getting Started Guides:

[Exhibit Share Tutorial – Attorney Participant View](#)

[Exhibit Share Tutorial – Witness View](#)

Participants will just need to look out for an Exhibit Share invitation email from notify@egnyte.com in order to set a password (by accepting the invitation). On the day of the deposition they can log into this website (preferably using a Google Chrome browser) for easy access: <https://vxt.egnyte.com/#login>

Please don't hesitate to let me know if you or the parties have any questions.
Thank you!

Best,

Drew

Drew Pagano
Government Services Manager

CAPITAL REPORTING COMPANY
A Division of Veritext
1250 Eye Street, NW | Suite 350 | Washington, DC 20005
O 202-857-3376 | D 202-803-8852
apagano@capitalreportingcompany.com
www.capitalreportingcompany.com

[<image004.png>](#)

Kelly Crawford
Receiver
500 N. Akard, Suite 2700
Dallas, Texas 75201
(214) 706-42123
kelly.crawford@solidcounsel.com

February 16, 2021

Via Electronic Mail to cdavis@grayreed.com

Chris Davis
Gray Reed
1601 Elm Street, Suite 4600
Dallas, Texas 75201

RE: *Commodity Futures Trading Commission, et al v. TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, Simon Batashvili, Defendants and Tower Equity, LLC, Relief Defendant.*; Cause No. 3:20-CV-2910-L; pending in the United States District Court for the Northern District of Texas, Dallas Division

Dear Chris:

As we discussed at Mr. Asher's deposition, the following is a list of items Mr. Asher testified he would assist me with or provide information to me regarding:

1. Please produce a copy of the engagement agreement between Mr. Asher and Mr. Spencer. *See page 319, lines 15-22.*
2. Mr. Asher testified he informed Mr. Spencer of corporations I was not aware of. Please provide the names of such corporations. *See page 329, lines 4-17.*
3. Mr. Asher testified he would provide the address of the "We-Works like" office he spent time at on the Wednesday prior to his deposition. Please provide the address. *See page 344, line 25 and page 345, lines 1-2.*
4. Mr. Asher indicated he would take action to have the monies he deposited at Balboa Bank & Trust in Panama turned over to the Receiver. Please request Mr. Asher to contact the bank, obtain the relevant information about the account, and provide me such information with his consent for the turnover of the monies. *See page 350, lines 22-24.*

5. Mr. Asher testified he would provide the amount of dividends he received from Tower Equity and Best New. *See page 356, lines 5-6.*
6. Mr. Asher testified he would provide his income from Chase Metals in 2019. *See page 356, line 21-22.*
7. Mr. Asher indicated he asked for information from Brager Tax Law Group, including tax returns, and Brager Tax Group refused because of monies owed. *See page 357, lines 17-22.* I provided Brager Tax Law Group with a copy of the receivership Orders and demanded the production of records. Brager Tax Law Group refused to make such production without Mr. Asher's consent, claiming an attorney client privilege with Mr. Asher. With respect to Mr. Asher's tax returns, in which there is no attorney client privilege, I request that Mr. Asher direct the Brager Tax Law Group to produce his tax returns to me.
8. Mr. Asher testified he would provide me with the telephone numbers he has used in the past three years. *See page 357, lines 23-24.*
9. Mr. Asher testified that he would find out the location of the bank accounts for MagicStar Arrow. *See page 379, lines 8-9.*
10. Mr. Asher testified he would find and share with me the name of the individual at Equidate who led the syndicate that Tower Equity invested in that in turn invested in Space Exploration, Inc. *See page 397, lines 23-25 and page 398, lines 1-4.*
11. Mr. Asher testified he would find out information about the acquisition of the painting by Jean-Michael Basquiat called "Per Capita" that was in the office at 8383 Wilshire Blvd. *See page 399, line 25 and page 400, lines 1-13.*
12. Mr. Asher testified he would determine what was purchased at VIBE Motorsports for \$2,400 as shown on his Capital One card. *Page 403, lines 20-23.*
13. Mr. Asher testified he would determine the ownership of Newmont Administration, Inc. or Newmont Financial. *See page 408, lines 12-18.*
14. Mr. Asher testified he would determine the ownership of Reagan Financial, Inc. *See page 408, lines 23-25 and page 409, lines 1-3.*

15. Mr. Asher testified he would contact Dennis Belichenko to obtain financial information to turn over to the receivership. *See page 412, lines 16-20.* His email is dennis.sf@gmail.com.
16. Mr. Asher testified he would call EquityZen and obtain information regarding the investments made by Tower and assist in transferring those investments to the Receiver. *See page 416, lines 21-25 and page 418, lines 14-20.*
17. Mr. Asher testified he would provide the name of the management company for Tower Equity and the name of other companies used to purchase properties. *See page 420, lines 14-18.*
18. Mr. Asher testified he would provide Blake Corbin's address. *See page 450, line 10.*
19. Mr. Asher testified he would assist in obtaining information from EquityZen and Forge regarding equity investments made by Tower Equity in Ripple and other investments. *See page 456, lines 11-14.*
20. Mr. Asher testified he would provide the addresses of the apartment complexes in Ft. Worth, Texas and Edinburg, Texas in which Tower invested. *See page 457, lines 15-17.*

With respect to each of the foregoing items, I request that Mr. Asher provide me the information he testified he would obtain. Should you have any questions regarding any of the foregoing, please let me know.

Sincerely,

/s/*Kelly M. Crawford*

Kelly M. Crawford
Receiver

cc: Rich Foelber, CFTC (via email)
JonMarc Buffa, CFTC (via email)
Chrissi Cella, Office of Attorney General, State of Texas (via email)
Arnold Spencer, Esq. (via email)
Peter Lewis, Firm